

	U.S. ENVIRONMENTAL PROTECTION AGENCY Cooperative Agreement	GRANT NUMBER (FAIN): 99T10401		DATE OF AWARD 06/30/2014	
		MODIFICATION NUMBER: 0		MAILING DATE 07/07/2014	
		PROGRAM CODE: LS			
		TYPE OF ACTION New		PAYMENT METHOD: ASAP	
RECIPIENT TYPE: State		Send Payment Request to: Las Vegas Finance Center, Fax (702) 798-2423			
RECIPIENT: NV Dept of Cons & Ntrl Res Division of Environmental Protection 901 South Stewart St., Suite 4001 Carson City, NV 89701-5200 EIN: 88-6000022		PAYEE: NV Dept of Cons & Ntrl Res 901 South Stewart St., Suite 4001 Carson City, NV 89701-5200			
PROJECT MANAGER Jonathan McRae Division of Environmental Protection 901 South Stewart St., Suite 4001 Carson City, NV 89701-5200 E-Mail: Phone: 775-687-9376		EPA PROJECT OFFICER Alison Fong 75 Hawthorne Street, LND-4 San Francisco, CA 94105 E-Mail: fong.alison@epa.gov Phone: 415-972-3065		EPA GRANT SPECIALIST Danielle Carr Grants Management Office, MTS-7 E-Mail: Carr.Danielle@epa.gov Phone: 415-972-3871	
PROJECT TITLE AND DESCRIPTION Leaking Underground Storage Tank Program - Corrective Action The purpose of the Nevada Leaking Underground Storage Tank (LUST) Cooperative Agreement is to assist the State in the implementation and oversight of the LUST corrective action program and enforcement of the UST regulations to ensure proper corrective action of the release of any petroleum product. Activities include program oversight and management, program improvement and implementation, enforcement of policies and procedures to compel corrective action of any petroleum release. The project will decrease the number of leaking underground storage tanks in the State of Nevada. This assistance agreement provides partial federal funding in the amount of \$624,000.					
BUDGET PERIOD 07/01/2014 - 06/30/2019		PROJECT PERIOD 07/01/2014 - 06/30/2019		TOTAL BUDGET PERIOD COST \$3,813,333.00	
				TOTAL PROJECT PERIOD COST \$3,813,333.00	
NOTICE OF AWARD					
Based on your Application dated 05/07/2014 including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA) hereby awards \$624,000. EPA agrees to cost-share % of all approved budget period costs incurred, up to and not exceeding total federal funding of \$624,000. Recipient's signature is not required on this agreement. The recipient demonstrates its commitment to carry out this award by either: 1) drawing down funds within 21 days after the EPA award or amendment mailing date; or 2) not filing a notice of disagreement with the award terms and conditions within 21 days after the EPA award or amendment mailing date. If the recipient disagrees with the terms and conditions specified in this award, the authorized representative of the recipient must furnish a notice of disagreement to the EPA Award Official within 21 days after the EPA award or amendment mailing date. In case of disagreement, and until the disagreement is resolved, the recipient should not draw down on the funds provided by this award/amendment, and any costs incurred by the recipient are at its own risk. This agreement is subject to applicable EPA statutory provisions. The applicable regulatory provisions are 40 CFR Chapter 1, Subchapter B, and all terms and conditions of this agreement and any attachments.					
ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)			AWARD APPROVAL OFFICE		
ORGANIZATION / ADDRESS U.S. EPA, Region 9 Grants Management Office, MTS-7 75 Hawthorne Street San Francisco, CA 94105			ORGANIZATION / ADDRESS U.S. EPA, Region 9 Land Division, LND-1 75 Hawthorne Street San Francisco, CA 94105		
THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY					
Digital signature applied by EPA Award Official Katherine Meltzer - Acting Grant Management Officer					DATE 06/30/2014

EPA Funding Information

FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$	\$ 624,000	\$ 624,000
EPA In-Kind Amount	\$	\$	\$ 0
Unexpended Prior Year Balance	\$	\$	\$ 0
Other Federal Funds	\$	\$	\$ 0
Recipient Contribution	\$	\$	\$ 0
State Contribution	\$	\$ 381,333	\$ 381,333
Local Contribution	\$	\$	\$ 0
Other Contribution	\$	\$	\$ 0
Allowable Project Cost	\$ 0	\$ 1,005,333	\$ 1,005,333

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.805 - Leaking Underground Storage Tank Trust Fund Program	Solid Waste Disposal Act: Sec. 9003(h)	40 CFR PART 31

[illegible]

Budget Summary Page

Table A - Object Class Category (Non-construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$1,181,530
2. Fringe Benefits	\$413,535
3. Travel	\$130,000
4. Equipment	\$8,400
5. Supplies	\$23,574
6. Contractual	\$1,470,513
7. Construction	\$0
8. Other	\$204,401
9. Total Direct Charges	\$3,431,953
10. Indirect Costs: <u>23.91%</u> Base <u>Various</u>	\$381,380
11. Total (Share: Recipient % Federal %.)	\$3,813,333
12. Total Approved Assistance Amount	\$624,000
13. Program Income	\$0
14. Total EPA Amount Awarded This Action	\$624,000
15. Total EPA Amount Awarded To Date	\$624,000

Administrative Conditions

Refer to the annual terms and conditions letter from EPA to NV Department of Conservation and Natural Resources, Division of Environmental Protection, for applicable administrative terms and conditions.

Programmatic Conditions

GENERAL

a]. Quality Management Plan

This grant includes the performance of environmental measurements, therefore, a QA Plan or Sampling and Analysis Plan must be prepared. The recipient should consult with the Region 9 Quality Assurance Office to determine what type of QA documentation would be most appropriate and what QA guidance should be followed. The QA Plan must be approved by the EPA Project Officer, the Region 9 Quality Assurance Manager, and the recipient's Quality Assurance Officer before measurement activities are undertaken. Emergency measurements may be taken without a QA Plan being prepared if the Region 9 Quality Assurance Manager agrees that the nature of the data collection activity required due to the emergency warrants an exemption. Contact the QA Office at 415-972-3411.

b]. Semiannual Performance Reporting and Annual Performance Evaluation

In accordance with 40 C.F.R. §31.40, the recipient agrees to submit to the EPA Project Officer performance reports semi-annually that include brief information on each of the following areas: 1) a comparison of actual accomplishments to the outputs/outcomes established in the assistance agreement work plan for the period; 2) the reasons for slippage if established outputs/outcomes were not met; and 3) additional pertinent information, including, when appropriate, analysis and information of cost overruns or high unit costs. Reports shall be due 30 days after the reporting period.

In accordance with 40 C.F.R. §31.40 (d), the recipient agrees to inform EPA as soon as problems, delays or adverse conditions become known which will materially impair the ability to meet the outputs/outcomes specified in the assistance agreement work plan.

The final semi-annual report submitted at the end of the performance year shall serve as the final performance report and is due no later than 90 days after the end of the agreement year.

c]. EPA's Substantial Involvement in Cooperative Agreement

This is a cooperative agreement because the activities will require substantial federal involvement in the form of programmatic oversight and review of and comment on all agreement activities and products. The U.S. EPA will be substantially involved in overseeing and monitoring this cooperative agreement. Involvement includes, but is not limited to: conducting program performance evaluation; reviewing and commenting on LUST case management; providing technical assistance for LUST activities; reviewing and commenting on proposed administrative rule changes; providing technical assistance and clarification of underground storage tank regulatory requirements; and providing technical assistance on LUST enforcement.

d]. Energy Policy Act (EPAct) Certification

Prior to the state receiving any LUST Corrective Action funds, the state must provide a certification document that it is in compliance with the EPAct requirements, or making progress in meeting the EPAct requirements

LUST TRUST FUND PROGRAM

e]. Use Risk to Human Health & Environment in Setting LUST Site Priorities

In accordance with SWDA 9003(h)(3), when using State LUST Cooperative Agreement funding to assess or cleanup LUST sites where there has been a confirmed release, grant recipients shall give priority in undertaking corrective actions and in issuing orders requiring owners or operators to undertake such actions, to releases of petroleum from underground storage tanks, which pose the greatest threat to human health and the environment. States may use criteria contained in state law or regulation to determine the degree of risk a site poses to human health and the environment or develop specific policies and procedures to meet this requirement. Examples of factors states may consider in developing specific policies and procedures include such site characteristics as release volume, impact on ground water or aquifers, and releases in proximity of sensitive populations (e.g., sites that are near schools, playgrounds and day care centers). For additional information, see Section 9.C, State's Priority System for Addressing UST Releases, in the LUST Trust Fund Cooperative Agreement Guidelines, May 24, 1994 (OSWER Directive 9650.10A).

f]. LUST Trust Fund Financial Management

The recipient agrees to organize and maintain site-specific information consistent with accounting thresholds and policies described in the Leaking Underground Storage Tank Trust Fund State Financial Management Handbook when Trust Fund monies are used. Prior to making expenditures of Trust Fund monies for corrective and enforcement actions, a system must be in place to record these types of costs on a site specific basis. When site-specific accounting is required, all costs that can be identified to a particular site should be charged accordingly, and contractors must bill costs on a site-specific basis for corrective action and enforcement work performed at those sites.

The recipient acknowledges that expenditures from the LUST Trust Fund constitute a liability of the owner/operator to the United States. The recipient agrees to retain recoveries of any LUST Trust Fund expenditures as program income, as described in OMB Circular A-102 and 40 CFR 31.25(g)(2), to be used for additional eligible Trust Fund activities. The recipient may not use LUST Trust Fund recoveries to meet its cost share requirements under RCRA Section 9003(h)(7)(B). The recipient therefore, agrees that:

- (a) It will make reasonable efforts to recover these costs, including interest, from liable owners/operators. The recipient must send a copy of their compliant to EPA's Office of Regional Counsel within one week of filing judicial recovery actions for Trust Fund expenditures;
- (b) It will report any amounts received from the owner/operator as recovered costs, or agreed or adjudged to be owned by the owner/operator as settlements for site cleanup, in accordance with applicable guidance on Trust Fund Financial Quarterly Reporting;
- (c) To the extent the recipient is successful in recovering these costs, it will dedicate and use these funds for additional Trust Fund-eligible activities, and maintain appropriate accounting of recovered funds in order to document the reuse of recovered funds in accordance with the requirements of 40 CFR 31.25, as appropriate, and in accordance with applicable requirements of this Cooperative Agreement; and
- (d) The recipient will notify EPA promptly of any reductions in its authority to recover response expenditures (e.g. successful challenge to its recipient's statutory authority).

The recipient agrees to maintain supporting documentation and appropriate records in support of any future cost recovery efforts. The recipient shall adhere to the principles of documentation and records retention specified in OSWER Directive 9610.10, Cost Recovery Policy for the LUST Trust Fund (October, 1988) and the Leaking Underground Storage Tanks Trust Fund State Financial Management Handbook. The recipient agrees to make these available to the Federal government, as needed, on a case-by-case basis.

g]. Drawdowns for LUST Funds

The recipient agrees to drawdown funds in this Assistance Agreement under EPA's three major activity codes. The three codes are "7" General Support and Management, "E" Site Cleanup Actions, and "4" Enforcement. The recipient will review their drawdown procedures to ensure that the draw downs in the enforcement category "4" include oversight of responsible parties, and that the recipient cleanup activities are drawn down under category "E".

END OF DOCUMENT